

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES OF THE CHICAGO PAINTERS)
PENSION FUND, et al,)
Plaintiffs,)
vs.) 08 C 1303
)
R.E. RUSSELL PAINTING COMPANY,) Judge Manning
an Illinois corporation,) Magistrate Judge Schekier
Defendant.)

PLAINTIFFS' MOTION FOR
JUDGMENT IN A SUM CERTAIN

Plaintiffs, by and through their attorneys, DONALD D. SCHWARTZ, JAMES R. ANDERSON, ANTHONY B. SANDERS, and ARNOLD AND KADJAN, move this Court to enter an order of default and order compelling the production of records for an audit. In support of their Motion, the Plaintiffs state as follows:

1. This is an action to recover delinquent fringe benefit fund contributions.
2. The defendant was served with the Summons and Complaint on March 12, 2008, as shown by the return of service that has been filed with the Clerk of the Court on March 25, 2008.

3. More than twenty days have passed and the defendant has not served any responsive pleading. The court was defaulted by order of this Court which set the matter for prove-up for June 5, 2008.

4 According to the Affidavit of Howard B. Levinson, attached as Exhibit "1," the defendant owes the amount of \$1,278.45 for an audit for the period from July 1, 2006 through August 31, 2007 consisting of the following amounts: \$284.96 for contributions; \$28.49 for the liquidated damages; and \$965.00 in audit costs. See Exhibit 1, para. 3-6.

5. Defendant also owed the Funds the amount of \$8,823.12 in unpaid liquidated damages as pled in the Complaint and as set forth in Exhibit 1, para. 7.

6. The total amount due and owing to the Funds by the Defendant is \$10,101.57, which consists of the amounts set forth in paragraphs 4 and 5.

WHEREFORE, Plaintiffs pray that the Court grant the following relief:

- A. That final judgment be entered in favor of Plaintiffs and against the defendant R.E. RUSSELL PAINTING COMPANY, in the amount of \$10,101.57; and
- B. That this Court grant such other and further relief as may be appropriate under the circumstances. (A copy of a proposed order is attached to the end of this Motion as Exhibit 2).

Sincerely,

S/ James R. Anderson

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